

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

STEVEN M. JACOB and  
DAN MEIS,

Plaintiffs,

**VS.**

HAROLD W. CLARKE and  
NEBRASKA DEPARTMENT OF  
CORRECTIONAL SERVICES,

Defendants.

4:04cv3240

ORDER

This matter is before the court on filing no. 33, the Motion to Alter or Amend Judgment filed by the plaintiffs, Steven M. Jacob and Dan Meis. I am concerned by the plaintiffs' arguments regarding the infliction of punishment more severe than that provided by state law and the possible implication of a liberty interest protected by the Due Process Clause of the Fourteenth Amendment to the United States Constitution in the circumstances of their cases. I also request more information concerning the issues at stake in the proceedings before the Nebraska Supreme Court in State v. Conover, in particular whether it is, or is not, settled law in Nebraska that a person sentenced to life imprisonment for the Class IA felony of first degree murder lacks parole eligibility, and the significance of the November 23, 2002 date referred to in the plaintiffs' exhibit 1 to filing no. 34. By August 22, 2005, the defendants shall respond to filing no. 33 with a thorough analysis of the issues. By September 22, the plaintiffs shall reply.<sup>1</sup>

SO ORDERED.

DATED this 28th day of July, 2005.

BY THE COURT:

s/ Joseph F. Bataillon  
JOSEPH F. BATAILLON  
Chief District Judge

<sup>1</sup>Because filing no. 33 is a timely motion pursuant to Fed. R. Civ. P. 59(e), the 30-day period for filing a Notice of Appeal will not begin to run until after the decision on filing no. 33. See Fed. R. App. P. 4 (a)(4)(A)(iv).